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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIKA OKJE ERDMANN-BROWNING
and JACQUELINE BENITEZ, individually
and on behalf of all others similarly situated,

Plaintiffs,

V.

THOMAS J. VILSACK, Secretary of the United States Department of Agriculture, in his official capacity; SHALANDA YOUNG, Director of the United States Office of Management and Budget, in her official capacity.

Defendants.

Case No.: 4:23-cv-04678-JST

CLASS ACTION

**SUPPLEMENTAL DECLARATION OF
ANIKA OKJE ERDMANN-BROWNING
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PRELIMINARY
INJUNCTION**

Hearing date: March 14, 2024
Time: 2:00 p.m.

Action filed: September 12, 2023

SUPPLEMENTAL DECLARATION OF ANIKA OKIJE ERDMANN-BROWNING

I, Anika Okje Erdmann-Browning, declare as follows.

1. I am a plaintiff and a proposed class representative in this case. I have personal knowledge of the facts in this declaration and am competent to testify to them.

2. I am 46 years old. My husband is William Browning. He is 55 years old. There are no children in our household.

3. My husband and I live in Alameda County.

4. We currently receive \$535 per month in CalFresh benefits. My benefits arrive on the 7th of the month. My recertification paperwork is due in March 2024. We do not expect changes to our income that would make us ineligible for CalFresh, and intend to do the annual recertification paperwork on time so that we can continue to get CalFresh in April.

5. I have been diagnosed with multiple sclerosis. It makes me weak and makes walking very difficult, and causes me to be unstable and fall. I also have pain. I receive needs-based disability cash benefits because of my disability.

6. I have a graduate degree in Industrial Engineering and an undergraduate degree in Computer Engineering.

7. I previously worked in the high-tech industry. I lost that job when my condition made it too hard for me to continue working. I am also a journalist and try to work freelance in that field as my condition permits, but the income is irregular.

8. My husband and I became homeless in 2020 when our savings ran out. We prioritize using our income to stay in motel rooms. When those funds run out, we sleep in our car. Sleeping in a cramped vehicle is physically hard for anyone, but it is particularly hard for me because of my disability. I am often in pain and very weak. My husband also has severe arthritis and needs surgery on his arm and shoulder related to untreated bike accidents. These conditions limit his ability to get other employment.

9. My husband is employed as my disability services provider. He also has to complete tasks and services for me that are not covered through the In-Home Supportive

1 Services Program. My husband must do all the cleaning, shopping, driving, laundry, and must
2 help me when I fall down. He also must stay with me when we are sleeping in our car to protect
3 me and our possessions because my disability makes me very vulnerable.

4 10. We try to save our cash for motel rooms, food and other necessities such as gas to
5 go to appointments and do shopping, and personal care items. My disability creates extra costs.
6 For example, I have a service dog that assists me with my disability. I must use my limited cash
7 to pay for the dog's food and veterinary bills. When we are not staying at a motel, I also need to
8 regularly buy ice to keep my multiple sclerosis medication cool.

9 11. Some of my other medications must be taken with food. I cannot skip meals. I
10 need to make the food we have last as long as possible so I can eat when I take my medications.

11 12. We meet most of our food needs through our CalFresh benefits, using our cash for
12 the motel rooms and basic needs like sanitary items. If I lose CalFresh benefits or if my benefits
13 are delayed, I will have to survive on a very reduced diet. If the delay continues for any length
14 of time, I will not eat and I will not be able to take my medication.

15 13. Several times in the past, my CalFresh benefits have stopped. When that
16 happened, I had to use my monthly income for food instead of motel rooms or other needs. I
17 appealed the discontinuances of my benefits and got my benefits restored. Although I eventually
18 got all my benefits back, the retroactive benefits came as lump sum issuance of food benefits on
19 my EBT card and could only be used for food. Being homeless, I cannot store much food and
20 don't have a reliable way to use food that requires refrigeration. The retroactive food benefits
21 did not replace the cash income I had to spend on food, or that I had to resort to sleeping in my
22 car more often when I had less cash for motels and cutting back on other necessities.

23 14. Food bank assistance is not really an option for my family. They pack bags of
24 food in advance, and they usually include food that I either cannot eat or which must be warmed
25 or cooked. We cannot cook when we have to stay in our car, so unless there is fresh produce,
26 most of the food bags won't help us. We would not be able to use most of the food, and when so
27 many people are in need, it would be a waste. Even if we wanted to get food bank help, they are
28 hard for us to reach, as we'd have to drive. Gas is very expensive, and we try to stay in one

1 place so we don't have to divert more of our cash to buying gas.

2 15. Although I qualify for disabled meal program, those also require a stove to cook
3 or warm the food.

4 16. CalFresh is the only benefit that keeps my husband and I from going hungry.

5 17. Since the uncertainty that began in September 2023, I have felt hopeless and
6 scared every day. In the days leading up to finding out if CalFresh will be continued, we are
7 afraid of how we might feed ourselves. My husband and I stop eating the little things we have in
8 the car so that we can save it for the other person.

9 18. We try to eat at least once every day but the worst is when we do not eat for a few
10 days. Food may include eating crackers or drinking water, which we consider to be a food item,
11 to make our current CalFresh benefits last as long as possible. We distract ourselves from this
12 threat of hunger by sleeping a lot or walking my service dog outside.

13 19. We have no budget for food items in the calculation how we can spend our money
14 so we are very careful about what we purchase with CalFresh. CalFresh is our only source of
15 obtaining food and water. We shop for things that last and can be stored in our car or in the
16 cooler. I know our nutritional needs are not being met. For example, a 2-liter bottle of soda is
17 cheaper than a bottle of water. The only warm meal we can buy with CalFresh is Burger King,
18 which is not healthy.

19 20. The overall impact of not knowing whether my CalFresh will continue is that it
20 causes us stress. We are already in turmoil because we have no home. Instead, we jump from
21 hotel to parking lots where we sleep in our car. All of the uncertainty has a negative impact on
22 us, our relationship and my chronic condition, multiple sclerosis, where I should avoid any kind
23 of stress. Lately my condition has taken a turn to the worse, and these consistent insecurities are
24 not helping.

25 21. I want to be a named plaintiff in this case to help my family and other people like
26 me in California and the rest of the country. We will all be hurt if CalFresh (SNAP) benefits
27 don't come out on time or are suspended because of Congress not passing budget bills causing a
28 government shutdown. I understand my role as a class representative: I am to stay informed

1 about the lawsuit, give information and feedback to my lawyers, and take part in court or other
2 case-related events. I am prepared to be responsible for putting the interests of the class
3 members ahead of my own.

4 I hereby declare under penalty of perjury under the laws of the United
5 States of America that the foregoing is true and correct.

6 Executed on Feb 14 2024, 2024, in Alameda County.

7 DocuSigned by:
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10 Anika Okje Erdmann-Browning
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